



Entered on Docket  
September 03, 2009

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

THE LAW OFFICES OF RANDOLPH H. GOLDBERG  
RANDOLPH H. GOLDBERG, ESQ.  
4000 S. Eastern, Suite 200  
Las Vegas, NV 89119  
(702) 735-1500  
Nevada State Bar No. 5970  
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

In re:	)	BANKRUPTCY NUMBER:
	)	BK-S-09-20620-MKN
MANUEL & ASUNCION DIAZ	)	Chapter 13
	)	RICK YARNALL
	)	
Debtors.	)	Date: 08/06/2009
	)	Time: 3:30 PM

**ORDER AVOIDING SECOND TRUST DEED**

The Motion of Debtors, MANUEL AND ASUNCION DIAZ, to Value Collateral, "Strip Off" and Modify Rights of COUNTRYWIDE (CLAIM N/A) Pursuant to 11 U.S.C. 506(a) and 1322, as against Debtors' residential real property, coming on regularly for hearing on AUGUST 6, 2009, at 3:30 p.m., with RANDOLPH H. GOLDBERG LAW FIRM, appearing for debtors, and, pursuant to notice duly given, no opposition being filed by creditors, or by the Chapter 13 Trustee, and the Court having

1 heard the representation of counsel, and being otherwise informed, it is hereby  
2 **ORDERED, ADJUDGED AND DECREED** that the security interest of  
3 **COUNTRYWIDE** in the real property commonly known  
4 as 826 FUERTE COURT, HENDERSON, NEVADA, 89015, and legally  
5 described as follows:  
6

7 RACE TRACK HOMES-UNIT #4, PLAT BOOK 67 PAGE 58, LOT 19 BLOCK 14,  
8 is hereby avoided, set aside and that the claim of the aforesaid creditor in these  
9 bankruptcy proceedings shall be treated as unsecured.  
10

11 **IT IS FURTHER ORDERED** that the certain Deed of Trust recorded in the Office  
12 of the Clark County Recorder on MARCH 30, 2007, as Document Number  
13 20070330:05939 (SEE EXHIBIT A) is hereby removed and expunged from the County  
14 records and shall no longer constitute a lien or encumbrance upon the aforesaid real  
15 property.  
16

17 **IT IS SO ORDERED.**  
18

19 DATED this 6TH day of AUGUST, 2009

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1 THE LAW OFFICES OF  
2 RANDOLPH H. GOLDBERG

3  
4 By /S/ RANDOLPH GOLDBERG ESQ.  
5 RANDOLPH H. GOLDBERG, ESQ.  
6 4000 S. Eastern  
7 Suite 200  
8 Las Vegas, Nevada 89119  
9 Attorney for Debtor  
10

11 APPROVED AS TO FORM AND CONTENT

12 CHAPTER 13 TRUSTEE

13 RICK YARNALL, TRUSTEE  
14 701 E BRIDGER Avenue, #820  
15 Las Vegas, NV 89101  
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**EXHIBIT A**

GENERAL INFORMATION	
PARCEL NO.	179-21-111-013
OWNER AND MAILING ADDRESS	DIAZ ASUNCION M 826 FUERTE CT HENDERSON NV 89015-5950
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	826 FUERTE CT HENDERSON
ASSESSOR DESCRIPTION	RACE TRACK HOMES-UNIT #4 PLAT BOOK 67 PAGE 58 LOT 19 BLOCK 14  SEC 21 TWP 22 RNG 63
RECORDED DOCUMENT NO.	* 20070330:05939
RECORDED DATE	03/30/2007
VESTING	NO STATUS

\*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	505
APPRAISAL YEAR	2008
FISCAL YEAR	09-10
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2008-09	2009-10
LAND	42840	27300
IMPROVEMENTS	46404	40403
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	89244	67703
TAXABLE LAND+IMP (SUBTOTAL)	254983	193437
COMMON ELEMENT ALLOCATION	0	0
TOTAL ASSESSED VALUE	89244	67703
TOTAL TAXABLE VALUE	254983	193437

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	0.14 Acres
ORIGINAL CONST. YEAR	1995
LAST SALE PRICE MONTH/YEAR	300000 03/07
LAND USE	1-10 RESIDENTIAL SINGLE FAMILY
DWELLING UNITS	1

PRIMARY RESIDENTIAL STRUCTURE					
TOTAL LIVING SQ. FT.	1799	CARPORT SQ. FT.	0	ADDN/CONV	NONE
1ST FLOOR SQ. FT.	1799	STORIES	ONE STORY	POOL	NO
2ND FLOOR SQ. FT.	0	BEDROOMS	4	SPA	NO
BASEMENT SQ. FT.	0	BATHROOMS	2 FULL	TYPE OF CONSTRUCTION	FRAME STUCCO
GARAGE SQ. FT.	400	FIREPLACE	0	ROOF TYPE	CONCRETE TILE

1 **ALTERNATIVE METHOD re: RULE 9021:**

2 In accordance with Local Rule 9021, the undersigned  
3 certifies:

4  
5            The court waived the requirements of LR 9021.

6   ✓   I have delivered a copy of this proposed order to all  
7 attorneys and unrepresented parties who  
8 appeared at the hearing regarding this matter  
and/or who filed a written Objection and each  
has:

9            approved the form of this order:

10   ✓   waived the right to review the order  
and/or failed to file and serve papers  
11 in accordance with LR 9021<sup>©</sup>.

12            I have delivered a copy of this proposed order to all  
13 Attorneys and unrepresented parties who appeared at the  
14 hearing regarding this matter and/or who filed a written  
15 objection and all have either approved the form of this  
16 order, waived the right to view the order, failed to file  
and serve papers in accordance with LR 9021<sup>©</sup> and the  
following have disapproved the form of the order:

17            No opposition was filed to the motion and no  
18 other party or counsel appeared at the hearing.

19 I declare under penalty of perjury under the laws  
20 of The State of Nevada the foregoing is true and correct.

21  
22           /s/Maile C. Hansen/s/  
23 An Employee of  
24 THE LAW OFFICE OF  
25 RANDOLPH H. GOLDBERG

26 ###  
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